

## FIFTY-FIFTH DAY

(Tuesday, April 20, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Harris of Dickens
Adkins	Hartzog
Alexander	Heflin
Alsup	Herzik
Amos	Holland
Baker	Hoskins
Bates	Howard
Beckworth	Huddleston
Bell	Hull
Blankenship	Hyder
Boethel	Jackson
Bond	James
Boyer	Johnson of Ellis
Bradbury	Johnson
Bradford	of Tarrant
Bridgers	Jones of Angelina
Broadfoot	Jones of Atascosa
Brown	Jones of Falls
Burton	Jones of Wise
Cagle	Keefe
Callan	Keith
Carssow	Kelt
Cathey	Kenyon
Cauthorn	Kern
Celaya	King
Cleveland	Knetsch
Colquitt	Langdon
Davis of Haskell	Lankford
Davis of Jasper	Lanning
Davison of Fisher	Leath
Davisson	Leonard
of Eastland	Leyendecker
Dean	Little
Deglandon	Loggins
Derden	London
Dickison	Mann
Dollins	Mauritz
England	Mays
Farmer	McConnell
Felty	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Hardin	Morse
Harbin	Nicholson
Harper	Newton
Harrell	Oliver
Harris of Archer	Palmer
Harris of Dallas	Patterson of Mills

Patterson	Skaggs
of Travis	Smith of Hopkins
Petsch	Smith
Powell	of Matagorda
Prescott	Smith of Tarrant
Quinn	Stevenson
Ragsdale	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Riddle	Tennyson
Roark	Thornberry
Ross	Thornton
Russell	Vale
Rutta	Waggoner
Schuenemann	Walker
Settle	Weldon
Sewell	Westbrook
Sharpe	Winfree
Shell	Worley
Simpson	Wood

Absent—Excused

Lucas

Pope

A quorum was announced present.

## LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence on account of illness:

Mr. Pope for today and the balance of the week, on motion of Mr. Celaya.

## HOUSE BILLS ON FIRST READING

Mr. Powell moved to introduce, at this time, and have placed on first reading, House Bill No. 1119.

The motion prevailed by the following vote:

Yeas—114

Adkins	Celaya
Alexander	Cleveland
Alsup	Colquitt
Amos	Davis of Jasper
Baker	Davison of Fisher
Bates	Davisson
Beckworth	of Eastland
Bell	Dean
Blankenship	Deglandon
Boethel	Derden
Bond	Dickison
Boyer	Dollins
Bradbury	Farmer
Bradford	Felty
Bridgers	Fielden
Burton	Fox
Cagle	Fuchs
Callan	Gibson
Cathey	Hamilton
Cauthorn	Hankamer

Hanna	McFarland
Harbin	McKinney
Hardin	Metcalfe
Harper	Moffett
Harrell	Monkhouse
Harris of Archer	Morris
Harris of Dallas	Morse
Harris of Dickens	Newton
Hartzog	Nicholson
Heflin	Oliver
Herzik	Patterson
Holland	of Travis
Hoskins	Petsch
Howard	Powell
Hyder	Prescott
Jackson	Quinn
James	Reader
Johnson of Ellis	Reed of Bowie
Johnson	Reed of Dallas
of Tarrant	Roark
Jones of Angelina	Ross
Jones of Falls	Russell
Jones of Wise	Rutta
Keith	Schuenemann
Kelt	Sharpe
Kern	Skaggs
King	Smith
Knetsch	of Matagorda
Langdon	Stinson
Lankford	Stocks
Leath	Talbert
Leonard	Tennant
Leyendecker	Tennyson
Little	Thornberry
Loggins	Thornton
London	Vale
Mays	Walker
McConnell	Winfree
McCracken	Wood

## Absent

Broadfoot	Patterson of Mills
Brown	Ragsdale
Carsow	Rhodes
Davis of Haskell	Riddle
England	Settle
Graves	Sewell
Huddleston	Shell
Hull	Simpson
Jones of Atascosa	Smith of Hopkins
Keefe	Smith of Tarrant
Kenyon	Stevenson
Lanning	Tarwater
Mann	Waggoner
Mauritz	Weldon
McDonald	Westbrook
McKee	Worley
Palmer	

## Absent—Excused

Lucas	Pope
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The Speaker then laid the bill before the House, it was read first time,

and referred to the appropriate committee, as follows:

By Mr. Powell:

H. B. No. 1119, A bill to be entitled "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; . . . etc., and declaring an emergency."

Referred to the Committee on Education.

Mr. Roark moved to introduce, at this time, and have placed on first reading, House Bill No. 1120.

The motion prevailed by the following vote:

Yeas—112

Adkins	Gibson
Alsup	Hamilton
Amos	Hankamer
Baker	Hanna
Bates	Harbin
Beckworth	Hardin
Bell	Harper
Blankenship	Harrell
Boethel	Harris of Archer
Bond	Harris of Dallas
Boyer	Harris of Dickens
Bradbury	Hartzog
Bradford	Heflin
Bridgers	Herzik
Brown	Holland
Burton	Howard
Cagle	Hull
Callan	Hyder
Cathey	Jackson
Cauthorn	James
Cleveland	Johnson of Ellis
Colquitt	Johnson
Davison of Fisher	of Tarrant
Davisson	Jones of Angelina
of Eastland	Jones of Atascosa
Dean	Jones of Falls
Deglandon	Jones of Wise
Derden	Keith
Dickison	Kelt
Dollins	Kern
Farmer	King
Felty	Knetsch
Fielden	Lankford
Fox	Leath
Fuchs	Leonard

Leyendecker	Reed of Bowie
Little	Reed of Dallas
Loggins	Roark
London	Russell
Mauritz	Rutta
Mays	Schuenemann
McConnell	Sharpe
McKee	Skaggs
McKinney	Smith
Metcalfe	of Matagorda
Moffett	Smith of Tarrant
Monkhouse	Stinson
Morris	Stocks
Morse	Talbert
Newton	Tennant
Nicholson	Tennyson
Oliver	Thornberry
Patterson	Thornton
of Travis	Vale
Powell	Waggoner
Prescott	Walker
Quinn	Winfree
Reader	Wood

## Nays—1

Alexander

## Absent

Broadfoot	Palmer
Carssow	Patterson of Mills
Celaya	Petsch
Davis of Haskell	Ragsdale
Davis of Jasper	Rhodes
England	Riddle
Graves	Ross
Hoskins	Settle
Huddleston	Sewell
Keefe	Shell
Kenyon	Simpson
Langdon	Smith of Hopkins
Lanning	Stevenson
Mann	Tarwater
McCracken	Weldon
McDonald	Westbrook
McFarland	Worley

## Absent—Excused

Lucas

Pope

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Roark:

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of County Commissioners in all counties having an assessed valuation of not less than \$16,000,000.00 nor more than \$17,000,000.00, and containing a population of not less than 19,000 nor more than 19,900 according to the last Federal Census; repealing all laws in conflict

herewith, and declaring an emergency."

Referred to the Committee on Counties.

Mr. London moved to introduce, at this time, and have placed on first reading, House Bill No. 1122.

The motion prevailed by the following vote:

Yeas—131

Alsup	Howard
Amos	Huddleston
Baker	Hull
Bates	Hyder
Beckworth	Jackson
Bell	James
Blankenship	Johnson of Ellis
Boethel	Johnson
Bond	of Tarrant
Boyer	Jones of Angelina
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Bridgers	Jones of Wise
Broadfoot	Keefe
Brown	Keith
Burton	Kelt
Cagle	Kenyon
Callan	Kern
Carssow	King
Cathey	Langdon
Cauthorn	Lankford
Celaya	Lanning
Cleveland	Leath
Colquitt	Leyendecker
Davis of Haskell	Little
Davis of Jasper	London
Davisson	Mann
of Eastland	Mauritz
Dean	Mays
Deglandon	McConnell
Dickison	McDonald
Dollins	McFarland
England	McKinney
Farmer	Metcalfe
Felty	Moffett
Fielden	Monkhouse
Fox	Morris
Fuchs	Morse
Graves	Newton
Hamilton	Nicholson
Hankamer	Oliver
Hanna	Palmer
Hardin	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Archer	Petsch
Harris of Dallas	Powell
Harris of Dickens	Prescott
Hartzog	Quinn
Heflin	Ragsdale
Herzik	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Rhodes

Riddle	Stinson
Roark	Stocks
Ross	Talbert
Russell	Tarwater
Rutta	Tennant
Schuenemann	Thornberry
Settle	Thornton
Sewell	Vale
Sharpe	Waggoner
Simpson	Walker
Skaggs	Weldon
Smith of Hopkins	Westbrook
Smith	Wood
of Matagorda	Worley
Smith of Tarrant	

## Absent

Adkins	Loggins
Alexander	McCracken
Davison of Fisher	McKee
Derden	Reader
Gibson	Shell
Harbin	Stevenson
Knetsch	Tennyson
Leonard	Winfree

## Absent—Excused

Lucas	Pope
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The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. London:

H. B. No. 1122, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session by adding thereto a new section to be known as Article 1645a, providing for county auditors in counties containing a population of not less than 19,150 nor more than 19,175 according to the last preceding Federal Census providing for their compensation and the fund from which it shall be paid, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Reed of Dallas moved to introduce, at this time, and have placed on first reading, House Bill No. 1123.

The motion prevailed by the following vote:

Yeas—130

Adkins	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Atascosa
Bates	Jones of Falls
Beckworth	Jones of Wise
Bell	Keefe
Blankenship	Keith
Boethel	Kelt
Bond	Kern
Boyer	King
Bradbury	Langdon
Bradford	Lankford
Bridgers	Lanning
Broadfoot	Leath
Brown	Leyendecker
Burton	Little
Cagle	London
Callan	Mann
Cathey	Mauritz
Cauthorn	Mays
Celaya	McConnell
Cleveland	McDonald
Colquitt	McFarland
Davis of Haskell	McKee
Davis of Jasper	McKinney
Davison of Fisher	Metcalfe
Davisson	Moffett
of Eastland	Monkhouse
Dean	Morris
Deglandon	Morse
Derden	Newton
Dickison	Nicholson
England	Oliver
Farmer	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Fuchs	of Travis
Graves	Petsch
Hamilton	Powell
Hankamer	Prescott
Hanna	Quinn
Harbin	Ragsdale
Hardin	Reed of Bowie
Harper	Reed of Dallas
Harrell	Rhodes
Harris of Archer	Roark
Harris of Dallas	Ross
Harris of Dickens	Russell
Hartzog	Rutta
Heflin	Schuenemann
Holland	Settle
Hoskins	Sewell
Howard	Sharpe
Huddleston	Simpson
Hull	Skaggs
Hyder	Smith
Jackson	of Matagorda
James	Stinson
Johnson of Ellis	Stocks
	Talbert

Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Waggoner

Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Absent

Alexander  
Carssow  
Dollins  
Felty  
Gibson  
Herzik  
Kenyon  
Knetsch  
Leonard

Loggins  
McCracken  
Reader  
Riddle  
Shell  
Smith of Hopkins  
Smith of Tarrant  
Stevenson

Absent—Excused

Lucas

Pope

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Reed of Dallas and Mr. Blankenship:

H. B. No. 1123, A bill to be entitled "An Act to provide for the licensing, regulating and inspection of institutions or homes, or any place for the reception and care of the aged, infirm or destitute, and providing that every individual, firm, association or corporation owning, keeping, conducting or managing such place and charging a fee, or receiving or expecting compensation therefor, shall be required to obtain an annual license, to be issued by the State Board of Health, and providing for a fee in the amount of \$25.00 to be charged for such license, and providing for the revocation of such license and a penalty for failure to secure a license before operating such institution, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Graves moved to introduce, at this time, and have placed on first reading, House Bill No. 1125.

The motion prevailed by the following vote:

Yeas—119

Adkins  
Alsup  
Amos  
Baker  
Beckworth  
Bell  
Blankenship

Boethel  
Bond  
Boyer  
Bradbury  
Bradford  
Bridgers  
Broadfoot

Brown  
Burton  
Callan  
Cathey  
Cauthorn  
Celaya  
Cleveland  
Colquitt  
Davis of Haskell  
Davisson  
of Eastland  
Dean  
Deglandon  
Derden  
Dickison  
Dollins  
England  
Farmer  
Felty  
Fielden  
Fox  
Fuchs  
Graves  
Hamilton  
Hankamer  
Hanna  
Hardin  
Harper  
Harrell  
Harris of Archer  
Harris of Dallas  
Holland  
Hoskins  
Howard  
Huddleston  
Hull  
Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Angelina  
Jones of Atascosa  
Jones of Falls  
Jones of Wise  
Keith  
Kelt  
Kern  
King  
Langdon  
Lankford  
Lanning  
Leath  
Leonard  
Little

London  
Mauritz  
Mays  
McConnell  
McCracken  
McDonald  
McFarland  
McKee  
McKinney  
Metcalfe  
Moffett  
Monkhouse  
Morris  
Morse  
Newton  
Oliver  
Patterson of Mills  
Patterson  
of Travis  
Powell  
Quinn  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Riddle  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Settle  
Sharpe  
Simpson  
Skaggs  
Smith of Hopkins  
Smith  
of Matagorda  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Vale  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Nays—1

Kenyon

Absent

Alexander  
Bates  
Cagle  
Carssow  
Davis of Jasper

Davison of Fisher  
Gibson  
Harbin  
Harris of Dickens  
Hartzog

Heflin	Palmer
Herzik	Petsch
Hyder	Prescott
Keefe	Ragsdale
Knetsch	Sewell
Leyendecker	Shell
Loggins	Stevenson
Mann	Waggoner
Nicholson	

Absent—Excused

Lucas Pope

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Graves:

H. B. No. 1125, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to the Committee on Appropriations.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Cagle, Mr. Jones of Falls and Mr. Dollins:

H. B. No. 1121, A bill to be entitled "An Act to prohibit the sale or offering for sale or the buying of any fish taken from the waters of Lake Waco or the Bosque Rivers and their tributaries in the County of McLennan; to prohibit the use of any drag seine or nets and to limit the size and the number to be caught and to prohibit the use of a troll from a motor boat or boat propelled by other than ordinary oars, and to prohibit the catching of Bass, Crappie, Perch, Channel or Opalopsis Catfish during the months of February, March, April and May of each year, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Westbrook:

H. B. No. 1124, A bill to be entitled "An Act repealing House Bill No.

185, Acts of the Forty-third Legislature, relating to the hunting, taking, or killing of squirrels in the counties of San Augustine and Sabine of Texas."

Referred to the Committee on Game and Fisheries.

#### BILL ORDERED PRINTED

Mr. Stevenson moved that Senate Bill No. 260, reported adversely, with a minority favorable report, be printed.

The motion prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 345 by the following vote: Yeas, 28; Nays, 0.

Has passed

H. B. No. 539, A bill to be entitled "An Act amending Articles 1063, 1064 and 1065 of the Penal Code of the State of Texas of 1925, so as to include milk bottle cases, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 53, To grant the Christian Restoration Association permission to sue the State.

Whereas, On the 13th day of February, A. D., 1933, the Christian Restoration Association, of Cincinnati, Ohio, a religious corporation, not for profit, organized under the laws of the State of Ohio, but also located in the State of Texas, by and through the San Jacinto Trust Company, of Harris County, Texas, and F. J. Kubitz, also of Harris County, Texas, acting as executors and trustees of the Estate of A. D. Milroy, deceased, paid to the Comptroller of the State of Texas, under protest, the sum of Twelve Thousand Nine Hundred Two and 51/100 (\$12,902.51) Dollars as inheritance taxes on the property be-

queathed to the Christian Restoration Association by A. D. Milroy; and

Whereas, It is contended by the Christian Restoration Association that it was not liable for the payment of the taxes so paid, on the ground that the bequest to the Christian Restoration Association was exempted from taxation for the reason that said Christian Restoration Association is using and intended to use all of the income from said bequest within the State of Texas; and

Whereas, The said Christian Restoration Association, by and through its trustees and executors, desires to have the provisions of the State Inheritance Tax law construed so as to determine whether or not under the facts of this case, the said Christian Restoration Association was liable for the payment of the inheritance taxes demanded and received by the State of Texas through its officers and agents; and

Whereas, The Christian Restoration Association, by and through a mandamus proceeding in the Supreme Court of the State of Texas, sought to compel the return of the inheritance tax money so paid; and

Whereas, The Supreme Court declined to permit the filing of the petition for mandamus, thus leaving the only means of having a construction of the statute by the courts to be through a direct proceeding for that purpose; and

Whereas, The said Christian Restoration Association and its executors and trustees have been diligent in trying to have the matter determined; now, therefore, be it

Resolved by the Senate of the State of Texas, and the House of Representatives concurring, That the said Christian Restoration Association, by and through its executors and trustees, be and they are hereby granted permission and given authority to institute a suit against the State of Texas, and/or against the Comptroller of the State of Texas and the Treasurer of the State of Texas, in a court of competent jurisdiction in Travis County, Texas.

The crowded condition of the calendar and the importance of the subject matter of the resolution hereinabove set forth, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read upon three separate days in each House and the said Rule is hereby

suspended and this resolution take effect and be in force from and after its passage, and it is so enacted.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 55, To grant Dr. H. R. Allman permission to sue the State.

Whereas, Dr. H. R. Allman while employed by the Live Stock Sanitary Commission of Texas during a State-wide Tuberculosis Eradication Campaign was, on or about June 13, 1934, engaged in testing cattle near Weatherford, Parker County, Texas; and

Whereas, During said testing in said City and said County the said H. R. Allman was seriously injured due to the negligence and carelessness of one of the helpers and that the said Allman was hooked in the face by a cow, and his face was permanently disfigured and his sight impaired; and

Whereas, It is alleged that the said Dr. H. R. Allman has been put to considerable expense and has suffered physical and mental pain from the accident and has lost money as a result of the accident which prevented him from working while undergoing treatment to correct the trouble caused by said accident; and

Whereas, It is alleged that the amount of money spent and time lost amounts to Six Hundred Forty-two and 70/100 (\$642.70) Dollars, and it is further alleged that a sum of Two Thousand (\$2,000.00) Dollars should be paid to the said H. R. Allman to compensate him for impaired eye sight and facial disfiguration; and

Whereas, It is alleged that the said Dr. H. R. Allman has never been compensated by the State of Texas for his damages resulting from said accident; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Dr. H. R. Allman, his heirs, executors and administrators be, and the same are hereby granted permission to bring suit against the State of Texas, and against the State Live Stock Sanitary Commission of Texas, in any court of competent jurisdiction in Texas, in order to fix and award the amount

of damages, if any, that the said Dr. H. R. Allman is entitled, under the laws and Constitution of this State, to receive from the State of Texas, and the Live Stock Sanitary Commission of Texas as compensation on account of said accident; and that in case such suit be filed, service of citation or other necessary process shall be had upon the Chairman of the Live Stock Sanitary Commission of Texas or upon the Attorney General of the State of Texas, and that the same shall have the same force and effect as made and provided in other civil cases, and that either of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 998, "An Act fixing the salaries of certain county officials in certain counties with a population of not less than twelve thousand, two hundred twenty-seven, (12,227) and not more than twelve thousand two hundred thirty (12,230) according to the last preceding Federal Census of 1930, and declaring an emergency."

H. B. No. 990, "An Act to create a more efficient Road Law for Burnet County, providing the payment of a tax of Three (\$3.00) Dollars by all persons in said County, subject to road duty under the General Laws, or the performance of certain manual labor on the road, in the discharge of said road duty; providing the manner of assessing and collecting said road tax, and providing a penalty for failure or refusal to perform said road duty, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 477, "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency."

H. B. No. 369, "An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by pro-

viding that upon petition of at least 8% of the qualified voters in any voting precinct, the Chairman of the County Executive Committee or any three members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

H. B. No. 1006, "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, by amending Section 12 thereof so as to provide for the funding of scrip and warrant indebtedness of the road and bridge fund of Montgomery County, Texas, legally incurred prior to January 1, 1937; and by adding to said Act Section 13b, validating, ratifying, legalizing and confirming an issue of \$65,391.77 of road and bridge funding warrants of said County, dated November 1, 1936, and authorizing the funding thereof into coupon bonds of said County, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 493, "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

H. B. No. 539, "An Act to amend Article 1063 of the Penal Code of the State of Texas of 1925 so as to include milk bottle cases, and declaring an emergency."

H. B. No. 889, "An Act repealing Chapter 101 of the Special Laws of the Regular Session of the Forty-third Legislature as amended by Chapter 54, Acts, First Called Session of the Forty-third Legislature; etc., and declaring an emergency."

H. B. No. 395, "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas,



the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34 of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Irion, and declaring an emergency."

H. B. No. 876, "An Act amending Section 4 of House Bill No. 408 of the Regular Session of the Forty-fourth Legislature fixing the compensation of County Commissioners in certain counties, and declaring an emergency."

H. B. No. 666, "An Act amending Article 3410 of the Revised Civil Statutes of the State of Texas of 1925, providing in addition to the requirements of Article 3410, for the filing by the administrator or executor of an estate a list of claims owing by the estate, and declaring an emergency."

H. B. No. 848, "An Act authorizing the Commissioners' Court in any county having a population of not less than 17,600 and not more than 17,700 according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the County, and declaring an emergency."

H. B. No. 125, "An Act amending Article 5285, Revised Civil Statutes of 1925, so as to provide that Deputy County Surveyor shall not be required to give a larger bond than the County Surveyor."

H. B. No. 95, "An Act providing that all private corporations which

have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor buses substituted therefore are hereby authorized to continue to distribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor buses, or both, and declaring an emergency."

H. B. No. 930, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties, according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

H. B. No. 653, "An Act making it the duty of the Commissioner of Agriculture of the State of Texas to control and/or eradicate the Mexican fruit fly in the State of Texas; providing a title for said Act; defining certain terms as used herein; providing a host-free period, and authorizing the Commissioner of Agriculture of the State of Texas to adopt the host-free period promulgated by the United States Department of Agriculture: . . . etc., and declaring an emergency."

S. B. No. 345, "An Act making appropriation for the support and maintenance of certain employees of the Motor Transportation Division of the Railroad Commission for the last six months of the current biennium ending August 31, 1937, and declaring an emergency."

#### CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 10

The Speaker laid before the House, as postponed business, for consideration at this time,

H: J. R. No. 10, Proposing to amend the Constitution of Texas by adding a new section to be known as Section 30b of Article XVI of the Constitution providing four (4) year terms of of-

fice for all Precinct, County and District officers, and providing that incumbents in office at the time of the adoption of this amendment shall hold for four year term instead of a two year term; amending Section 4 of Article III, providing for manner of election and apportionment of Members of the House of Representatives; providing for an election on the question of adoption or rejection of said amendments and making an appropriation therefor.

The resolution having heretofore been read second time, and further consideration of same postponed until today.

Mr. Alexander offered the following amendment to the resolution:

Amend House Joint Resolution No. 10, by striking out all below the resolving clause and insert in lieu thereof the following:

Section 1. That Section 4, of Article III, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 4. Election of Representatives; Term of Office.—The Members of the House of Representatives shall be chosen by the qualified electors for a term of four years; but a new House of Representatives shall be chosen after each apportionment, and the Representatives elected after each apportionment shall be divided by lot into two classes. The seats of the Representatives of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the Representatives shall be chosen biennially thereafter."

Section 2. That Section 2, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 2. Election of Executive Officers.—All the above officers of the Executive Department, except the Secretary of State, shall be elected by the qualified voters of the State at the time and places of election for Members of the Legislature so that the Governor and Lieutenant Governor and Comptroller shall be elected at the alternate biennial election from the election of presidential electors; and that all other executive officers shall be elected at the same general election as presidential electors."

Section 3. That Section 4, of Article IV, of the Constitution of Texas, be

amended so as to hereafter read as follows:

"Section 4. Governor, When Installed, Term, Qualifications.—The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for a term of four years, or until his successor shall be duly installed; he shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election."

Section 4. That Section 22, of Article IV, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 22. Attorney General: Term; Duties; Residence; Salary.—The Attorney General shall hold office for four years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law and give legal advice in writing to the Governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of Ten Thousand (\$10,000.00) Dollars, and no more."

Section 5. That Section 23, of Article IV, of the Constitution of Texas, be amended so as to read as follows:

"Section 23. Comptroller, Treasurer, and Commissioner of the General Land Office; Term; Salaries; Residence.—The Comptroller of Public Accounts, the Treasurer, and the Commissioner of the General Land Office shall each hold office for the term of four years and until his successor is qualified; receive an annual salary of Six Thou-

sand (\$6,000.00) Dollars, and no more; reside at the Capitol of the State during his continuance in office, and perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this Section or in his office, shall be paid, when received, into the State Treasury."

Section 6. That Section 9, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 9. Clerk of the District Court; Term of Office; How Removed; How Vacancy is Filled.—There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election."

Section 7. That Section 15, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 15. County Court: Election; Term of Office of County Judges; Fees.—There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law."

Section 8. That Section 18, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 18. Terms of Justices of the Peace; County Commissioners and Commissioners Court.—Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less

than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the Commissioners' Court provided for by this Constitution. In each such precinct there shall be elected at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge, as presiding officer, shall compose the county commissioners' court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of this State, or as may be hereafter prescribed."

Section 9. That Section 20, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 20. County Clerk; Election; Term; Duties; Vacancies.—There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for four years, who shall be clerk of the county and commissioners' courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the commissioners' court until the next general election for county and State officers; provided, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks."

Section 10. That Section 21, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 21. County and District Attorneys; Duties; Vacancies; Fees.—A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county,

who shall be commissioned by the Governor, and hold his office for the term of four years. In case of vacancy the commissioners' court of the county shall have power to appoint a county attorney until the next general election. The county attorneys shall represent the State in all cases in the district and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts, as may be deemed necessary, and make provision for the compensation of district attorneys, and county attorneys; provided, district attorneys shall receive an annual salary of Five Hundred Dollars, to be paid by the State, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law."

Section 11. That Section 23, of Article V, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 23. Sheriff; Term of Office; Vacancy.—There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of four years, whose duties, perquisites, and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the commissioners' court until the next general election for county or State officers."

Section 12. Amend the Constitution of Texas, by adding a new section, to be known as Section 23-a, of Article V, of the Constitution of Texas:

"Section 23-a. The county judge, district clerk, county attorney, district attorney, two county commissioners and two constables shall be elected by the qualified voters of the county at the time and place of election for members of the Legislature so that they shall be elected at the alternate biennial election from the election or presidential electors. The sheriff, county clerk, assessor and collector of taxes, county treasurer, two commissioners, two justices of the peace, and two constables shall be elected at the

same general election as presidential electors. The commissioners and justices of the peace and constables shall be divided by lot into classes; the seats of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that the commissioners, justices of the peace, and constables shall be chosen biennially thereafter."

Section 13. Amend the Constitution of Texas, by adding a new section, to be known as Section 23-b of Article V, of the Constitution of Texas:

"Section 23-b. The county officials elected at the November election in 1938, shall hold their respective offices in accordance with this amendment."

Section 14. That Section 14, of Article VIII, of the Constitution of Texas, be amended so as to hereafter read as follows:

"Section 14. There shall be elected by the qualified electors of each county at the same time and under the same law regulating the election of State and county offices, an assessor and collector of taxes, who shall hold his office for four years and until his successor is elected and qualified; and such assessor and collector of taxes shall perform all duties with respect to assessing property for the purpose of taxation and of collecting it, as may be prescribed by the Legislature."

Section 15. That Section 44, of Article XVI, of the Constitution of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Section 44. County Treasurer and Surveyor.—The Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law."

Section 16. The foregoing constitutional amendments shall be submitted to the electors of this State, qualified to vote on constitutional amendments, an election to be held on the fourth Monday in August, A. D., 1937, at which election each ballot shall have printed thereon the words:

"For the amendments to Section 4, of Article III; Sections 2, 4, 22, and 23, of Article IV; Sections 9, 15, 18, 20, 21, and 23 of Article V; Section 14, of Article VIII; Section 44, of Article 16; fixing the terms of office of the constitutional officers of this State at four years, and providing for the manner of their election; and adding new sections to be known as Section 23-a, of Article V, of the Constitution of Texas, providing at which biennial election the county officials shall be elected, and Section 23-b, of Article V, of the Constitution of Texas, providing how the county officials elected in 1938, shall hold office.

"Against the amendments to Section 4, of Article III; Sections 2, 4, 22, and 23, of Article IV; Sections 9, 15, 18, 20, 21 and 23, of Article V; Section 14, of Article VIII; Section 44, of Article 16; fixing the terms of office of the constitutional officers of this State at four years, and providing for the manner of their election; and adding new sections to be known as Section 23-a, of Article V, of the Constitution of Texas, providing at which biennial election the county officials shall be elected, and Section 23-b, of Article V, of the Constitution of Texas, providing how the county officials elected in 1938, shall hold office."

Each voter shall scratch out with pen or pencil the clause which he desires to vote against, so as to indicate whether he is voting for or against said proposed amendments.

Section 17. The Governor of the State is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the Constitution and laws of Texas, and said election shall be held under the Constitution and laws of this State.

Section 18. The sum of Ten Thousand (\$10,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay the expense of said publication and election.

ALEXANDER,  
FOX,  
GIBSON,  
CAGLE,  
PETSCH,  
READER.

Mr. McKee raised a point of order, on further consideration of the amend-

ment, on the ground that the amendment seeks to change the original purpose of the resolution, and to insert new matter not contained in the original resolution.

The Speaker overruled the point of order.

(Mr. Knetsch in the Chair.)

Mr. McKee moved to table the amendment by Mr. Alexander.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—86

Alsup	Keith
Amos	King
Bates	Langdon
Beckworth	Leath
Boyer	Leyendecker
Bradford	Loggins
Broadfoot	Mann
Callan	Mauritz
Carssow	Mays
Cathey	McConnell
Celaya	McCracken
Cleveland	McFarland
Colquitt	McKee
Davis of Jasper	Monkhouse
Davisson	Newton
of Eastland	Oliver
Dean	Palmer
Deglandon	Patterson of Mills
Derden	Prescott
Dickison	Ragsdale
Dollins	Reed of Bowie
England	Reed of Dallas
Farmer	Rhodes
Fielden	Riddle
Fuchs	Ross
Hanna	Russell
Hardin	Rutta
Harper	Schuenemann
Harrell	Settle
Harris of Dallas	Sewell
Hartzog	Sharpe
Heflin	Simpson
Herzik	Skaggs
Hoskins	Smith of Hopkins
Hull	Smith of Tarrant
Hyder	Stinson
Jackson	Tennant
James	Thornberry
Johnson of Ellis	Thornton
Johnson	Vale
of Tarrant	Waggoner
Jones of Angelina	Westbrook
Jones of Atascosa	Winfree
Jones of Falls	Wood

Nays—52

Adkins	Bell
Alexander	Blankenship

Boethel	Little
Bond	London
Bradbury	McDonald
Bridgers	McKinney
Burton	Metcalfe
Cagle	Moffett
Cauthorn	Morris
Felty	Morse
Fox	Nicholson
Graves	Patterson
Hamilton	of Travis
Hankamer	Petsch
Harbin	Powell
Harris of Archer	Quinn
Harris of Dickens	Reader
Holland	Roark
Howard	Smith
Huddleston	of Matagorda
Jones of Wise	Stocks
Keefe	Talbert
Kelt	Tarwater
Kenyon	Tennyson
Kern	Walker
Lankford	Weldon
Lanning	Worley

## Absent

Baker	Knetsch
Brown	Leonard
Davis of Haskell	Shell
Davison of Fisher	Stevenson
Gibson	

## Absent—Excused

Lucas	Pope
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Question—Shall House Joint Resolution No. 10 be passed?

#### AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 661

Mr. Dean offered the following resolution:

H. C. R. No. 99, Authorizing certain correction in House Bill No. 661.

Whereas, House Bill No. 661 has passed the House and the Senate; and

Whereas, Said bill contains a typographical error in Section 4; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to correct said bill by inserting the words "more than" in line 3, Section 4, page 2.

The resolution was read second time, and was adopted.

#### AUTHORIZING USE OF CERTAIN HIGHWAY EQUIPMENT

Mr. McDonald offered the following resolution:

H. C. R. No. 100, Authorizing use of certain highway equipment.

Whereas, The city of Navasota and Grimes County, Texas, are in need of equipment for the preparation of certain streets; and

Whereas, The State Highway Department has such equipment desired; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Highway Department be authorized to lend said equipment to the city of Navasota and Grimes County, Texas.

The resolution was read second time, and was adopted.

## RECESS

Mr. Kern moved that the House recess until 2:00 o'clock p. m., today.

Mr. Harbin moved that the House recess until 2:30 o'clock p. m., today.

Question first recurring on the motion by Mr. Kern, it prevailed, and the House, accordingly, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### LEAVES OF ABSENCE GRANTED

Mr. Loggins was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Bradbury.

Mr. Felty, Mr. Harbin and Mr. Hanna were granted leaves of absence for this afternoon, on account of important business, on motion of Mr. Dickison.

#### INVITATION TO MEMBERS OF THE HOUSE

Speaker Calvert presented Hon. Harold Bates of Nacogdoches County who introduced Mr. Bob Colvert of Dallas. Mr. Colvert extended an invitation to the Members of the House to attend the opening of the Texas and Pan American Exposition in Dallas on next June 12.

## MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on Senate Concurrent Resolution No. 1 by the following vote: Yeas, 18; Nays, 9.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the conference committee report on House Bill No. 67 by the following vote: Yeas, 23; Nays, 5.

Has passed

S. B. No. 482, A bill to be entitled "An Act making appropriation out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expense and to pay mileage and per diem, etc., and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

PROVIDING FOR NIGHT SESSION  
FOR THE CONSIDERATION  
OF LOCAL BILLS

Mr. Gibson offered the following resolution:

Whereas, A large number of local and uncontested bills have been passed to engrossment and numerous other bills of similar nature have been favorably reported by the various standing committees; therefore, be it

Resolved by the House of Representatives, That Thursday evening, April 22, be set aside for the consideration of such bills.

The resolution was read second time, and was adopted.

CONSIDERATION OF HOUSE  
JOINT RESOLUTION  
NO. 10

The House resumed consideration of pending business, same being House Joint Resolution No. 10, concerning

tenure of office of certain State officials.

The resolution having heretofore been read second time.

Mr. Langdon and Mr. Roark offered the following amendment to the resolution:

Amend House Joint Resolution No. 10, by striking out all below the resolving clause, and insert in lieu thereof the following:

"Section 1. That the Constitution of the State of Texas is hereby amended by adding a new section to be known as Section 30-b of Article 16 which shall read as follows:

"Sec. 30-b. The terms of all precinct, county and district officers which have a duration of two (2) years as provided in the Constitution of the State of Texas, are hereby extended and increased to terms of four (4) years, and all reference to two-year terms of offices in the Constitution as applied to Precinct, County and District offices shall be amended so as to read and provide for four-year terms. Provided however, this amendment shall not be construed to extend the terms of persons now in office unless and except a majority of the qualified voters vote for and approve such extension of terms, at the election provided for herein."

"Sec. 2. All qualified electors desiring to extend the terms of offices, mentioned herein, to four years to become effective as to present office holders shall scratch propositions 2 and 4 as hereinafter provided.

All qualified electors desiring to extend the terms of offices, mentioned herein, to four years to become effective January 1, 1939, shall scratch propositions 2 and 3 as hereinafter provided.

All qualified electors who desire to vote against extending the terms of offices to four years shall scratch propositions 1, 3, and 4.

"Sec. 3. The foregoing Constitutional Amendment shall be submitted to the electors of this State, qualified to vote on Constitutional Amendments at an election to be held the first ..... after the first Monday in ..... at which election each ballot shall have printed thereon the words:

(1) "For the Amendment to the Constitution fixing the terms of office of all Precinct, County and District officers at four (4) years";

(2) " 'Against the Amendment to the Constitution fixing the terms of office of all Precinct, County and District officers at four (4) years';

(3) " 'For the Amendment to the Constitution extending the terms of incumbents in all Precinct, County and District offices for a period of two years';

(4) " 'Against the Amendment to the Constitution extending the terms of incumbents in all Precinct, County and District offices for a period of two years'.

"Section 4. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of the State of Texas, and said election shall be held under the laws and Constitution of this State.

"Section 5. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay the expenses of said publication and election."

LANGDON,  
ROARK,  
BLANKENSHIP.

Mr. McKee moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—58

Alsup	Hartzog
Boyer	Herzik
Bradford	Hoskins
Broadfoot	Hull
Burton	Jackson
Callan	James
Cathey	Johnson of Ellis
Celaya	Johnson
Colquitt	of Tarrant
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Dean	Jones of Wise
Dickison	Keith
Dollins	Kenyon
England	Leyendecker
Farmer	Little
Fielden	Mann
Fox	Mauritz
Fuchs	McKee
Gibson	Monkhouse
Hanna	Newton
Harper	Nicholson
Harrell	Patterson of Mills
Harris of Dallas	Ragsdale

Reader  
Reed of Bowie  
Riddle  
Settle  
Sewell  
Sharpe  
Shell

Smith  
of Matagorda  
Stevenson  
Tennant  
Vale  
Waggoner

Nays—77

Adkins  
Alexander  
Amos  
Bates  
Beckworth  
Bell  
Blankenship  
Boethel  
Bradbury  
Bridgers  
Brown  
Cagle  
Carssow  
Cauthorn  
Cleveland  
Davis of Haskell  
Davis of Jasper  
Davison of Fisher  
Deglandon  
Derden  
Graves  
Hamilton  
Harbin  
Hardin  
Harris of Archer  
Harris of Dickens  
Heflin  
Holland  
Howard  
Huddleston  
Hyder  
Jones of Angelina  
Keefe  
Kelt  
Kern  
King  
Knetsch  
Langdon  
Lankford

Lanning  
Leath  
London  
McConnell  
McCracken  
McDonald  
Metcalfe  
Moffett  
Morris  
Morse  
Oliver  
Palmer  
Petsch  
Powell  
Prescott  
Quinn  
Reed of Dallas  
Rhodes  
Roark  
Ross  
Russell  
Rutta  
Simpson  
Skaggs  
Smith of Hopkins  
Smith of Tarrant  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennyson  
Thornberry  
Thornton  
Walker  
Weldon  
Winfree  
Wood  
Worley

Absent

Baker  
Bond  
Hankamer  
Leonard  
Mays  
McFarland

McKinney  
Patterson  
of Travis  
Schuenemann  
Westbrook

Absent—Excused

Felty  
Loggins

Lucas  
Pope

Mr. Thornberry offered the following amendment to the amendment:

Amend Langdon-Roark amendment to House Joint Resolution No. 10, by



adding to Section 1 thereof the following:

"Provided, however, that the terms of office of the Members of the House of Representatives shall continue to be for two years only, as provided by Section 4 of Article 3 of the Constitution."

THORNBERRY,  
KEITH,  
JONES of Wise,  
MOFFETT,  
WORLEY.

(Mr. Walker in the Chair.)

Mr. England moved to table the amendment by Mr. Thornberry.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—83

Adkins	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Bell	Jones of Atascosa
Boyer	Jones of Falls
Bradford	Kenyon
Broadfoot	Leath
Brown	Leonard
Carssow	Leyendecker
Cathey	Little
Celaya	Monkhouse
Cleveland	Newton
Colquitt	Nicholson
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davison of Fisher	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Dean	Petsch
Deglandon	Powell
Dickison	Prescott
Dollins	Ragsdale
England	Reader
Farmer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Riddle
Hamilton	Russell
Hanna	Schuenemann
Hardin	Sewell
Harper	Sharpe
Harrell	Shell
Harris of Dallas	Skaggs
Harris of Dickens	Smith of Hopkins
Hartzog	Smith
Herzik	of Matagorda
Hoskins	Smith of Tarrant
Howard	Stinson
Huddleston	Stocks
Hull	Talbert
Jackson	Tennant
James	Thornton

Vale  
Waggoner  
Westbrook

Winfree  
Wood

Nays—47

Alexander	King
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Boethel	London
Bradbury	Mann
Bridgers	McConnell
Burton	McDonald
Cagle	Metcalfe
Callan	Moffett
Cauthorn	Morris
Fielden	Quinn
Fox	Rhodes
Graves	Roark
Harbin	Ross
Harris of Archer	Rutta
Holland	Settle
Hyder	Simpson
Johnson of Ellis	Stevenson
Jones of Wise	Tennyson
Keefe	Thornberry
Keith	Weldon
Kelt	Worley
Kern	

Absent

Blankenship	McCracken
Bond	McFarland
Derden	McKee
Hankamer	McKinney
Heflin	Morse
Knetsch	Tarwater
Mauritz	Walker
Mays	

Absent—Excused

Felty	Lucas
Loggins	Pope

Mr. Smith of Hopkins moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Jones of Wise moved to reconsider the vote by which the main question was ordered.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Alexander	Burton
Baker	Cagle
Bell	Carssow
Bradbury	Davison of Fisher
Bridgers	Derden
Broadfoot	England

Farmer	Nicholson
Fox	Palmer
Graves	Petsch
Harris of Dallas	Powell
Holland	Quinn
Hyder	Reed of Bowie
Jones of Atascosa	Reed of Dallas
Jones of Wise	Riddle
Keefe	Roark
Keith	Ross
Kelt	Stevenson
Kern	Tarwater
King	Tennyson
Knetsch	Thornberry
Lankford	Thornton
Lanning	Waggoner
London	Weldon
Moffett	Wood
Morris	Worley

## Nays—85

Adkins	Johnson of Ellis
Amos	Johnson
Bates	of Tarrant
Beckworth	Jones of Angelina
Blankenship	Jones of Falls
Boethel	Kenyon
Boyer	Langdon
Bradford	Leath
Brown	Leyendecker
Callan	Little
Cathey	Mann
Cauthorn	Mauritz
Celaya	McConnell
Cleveland	McDonald
Colquitt	McFarland
Davis of Haskell	McKee
Davis of Jasper	Morse
Davisson	Newton
of Eastland	Oliver
Dean	Patterson of Mills
Deglandon	Patterson
Dickison	of Travis
Dollins	Prescott
Fielden	Ragsdale
Fuchs	Reader
Gibson	Rhodes
Hamilton	Russell
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harper	Sewell
Harrell	Sharpe
Harris of Archer	Shell
Harris of Dickens	Simpson
Hartzog	Skaggs
Heflin	Smith of Hopkins
Herzik	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stinson
Hull	Stocks
Jackson	Talbert
James	Tennant

Vale
Westbrook

Winfree

Absent

Alsup	McCracken
Bond	McKinney
Felty	Metcalf
Hankamer	Monkhouse
Leonard	Walker
Mays	

Absent—Excused

Loggins	Pope
Lucas	

Question recurring on the amendment offered by Mr. Langdon and Mr. Roark, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 70; nays, 71.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—67

Adkins	Langdon
Alexander	Lankford
Alsup	Lanning
Amos	Leonard
Bates	London
Beckworth	McConnell
Bell	McCracken
Blankenship	McDonald
Boethel	Metcalf
Bond	Moffett
Bradbury	Morris
Bridgers	Morse
Brown	Palmer
Cagle	Petsch
Cauthorn	Powell
Davis of Haskell	Prescott
Davison of Fisher	Quinn
Dean	Rhodes
Derden	Roark
Graves	Ross
Hamilton	Simpson
Harris of Archer	Skaggs
Harris of Dickens	Smith of Hopkins
Heflin	Smith of Tarrant
Holland	Stevenson
Howard	Stinson
Huddleston	Stocks
Hull	Tarwater
Jones of Angelina	Tennyson
Keefe	Thornberry
Kelt	Thornton
Kern	Weldon
King	Worley
Knetsch	

## Nays—69

Baker	Jones of Wise
Boyer	Keith
Bradford	Kenyon
Broadfoot	Leath
Burton	Leyendecker
Callan	Little
Carssow	Mann
Cathey	Mauritz
Celaya	Mays
Cleveland	McFarland
Colquitt	McKee
Davisson	Monkhouse
of Eastland	Newton
Deglandon	Nicholson
Dickison	Oliver
Dollins	Patterson of Mills
England	Patterson
Farmer	of Travis
Fielden	Ragsdale
Fox	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Hankamer	Riddle
Hanna	Russell
Harbin	Rutta
Hardin	Settle
Harper	Sewell
Harrell	Sharpe
Harris of Dallas	Shell
Herzik	Smith
Hoskins	of Matagorda
Jackson	Tennant
Johnson of Ellis	Vale
Johnson	Waggoner
of Tarrant	Winfree
Jones of Atascosa	Wood
Jones of Falls	

## Present—Not Voting

Talbert

## Absent

Davis of Jasper	McKinney
Hartzog	Schuenemann
Hyder	Walker
James	Westbrook

## Absent—Excused

Felty	Lucas
Loggins	Pope

## PAIRED

Mr. Talbert (present), who would vote "yea", with Mr. James (absent), who would vote "nay".

The Chair announced that the amendment by Mr. Langdon and Mr. Roark was lost.

Mr. Derden moved to suspend the Rule, relative to the making of motions to reconsider after the main

question has been ordered, for the purpose of making a motion to reconsider the vote by which the main question was ordered.

The motion to suspend the rule was lost.

House Joint Resolution No. 10 was then passed by the following vote:

## Yeas—110

Adkins	Keith
Alexander	Kenyon
Alsup	Kern
Amos	King
Baker	Langdon
Bates	Lanning
Beckworth	Leath
Bell	Leonard
Bond	Leyendecker
Boyer	Little
Bradford	Mann
Broadfoot	Mauritz
Brown	Mays
Callan	McConnell
Carssow	McCracken
Cathey	McFarland
Cauthorn	McKee
Celaya	McKinney
Cleveland	Monkhouse
Colquitt	Morse
Davisson	Newton
of Eastland	Oliver
Dean	Palmer
Deglandon	Patterson of Mills
Dickison	Patterson
Dollins	of Travis
England	Prescott
Fielden	Ragsdale
Fuchs	Reader
Gibson	Reed of Bowie
Hamilton	Reed of Dallas
Hanna	Rhodes
Harbin	Riddle
Hardin	Russell
Harper	Rutta
Harrell	Schuenemann
Harris of Dallas	Settle
Harris of Dickens	Sewell
Hartzog	Sharpe
Heflin	Shell
Herzik	Simpson
Holland	Skaggs
Hoskins	Smith of Hopkins
Howard	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
Jackson	Stinson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Angelina	Thornberry
Jones of Atascosa	Thornton
Jones of Falls	Vale

Waggoner	Winfree
Walker	Wood
Westbrook	Worley

## Nays—32

Blankenship	Knetsch
Boethel	Lankford
Bradbury	London
Bridgers	McDonald
Burton	Metcalf
Cagle	Moffett
Davison of Fisher	Morris
Derden	Nicholson
Fox	Petsch
Graves	Powell
Hankamer	Quinn
Harris of Archer	Roark
Huddleston	Ross
Jones of Wise	Stevenson
Keefe	Tennyson
Kelt	Weldon

## Present—Not Voting

Farmer

## Absent

Davis of Haskell    Davis of Jasper

## Absent—Excused

Felty	Lucas
Loggins	Pope

Mr. McKee moved to reconsider the vote by which House Joint Resolution No. 10 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## REASONS FOR VOTE

Explanatory of my vote upon the question of finally passing House Joint Resolution No. 10.

"I am in favor of establishing a four year office term in respect of such offices as included in said resolution. I am opposed to that provision of said resolution which seeks to continue the office tenure, for a two year period, of incumbents in said offices as included therein, which position I have consistently supported by several votes upon the said resolution." I vote in favor of final passage of the said resolution, containing the office tenure continuance provision because I do not consider my objection sufficient to justify me in voting against the resolution.

TARWATER,  
LANNING.

Explanatory of my vote upon the final passage of House Joint Resolution No. 10.

"I am in favor of that provision of said resolution which seeks to establish four year office terms for the offices involved therein, but am opposed to the other provision of the resolution which seeks to continue present office holders in office for an additional two year period without direct vote of the people upon their respective candidacies. Both of these positions I have sustained by several votes in the course of consideration given said resolution by the House."

NICHOLSON.

I voted against House Joint Resolution No. 10 because I do not believe that it is a demand of the people but only of those who are in office, who desire to perpetuate themselves in office two more years without being re-elected and also because I believe that two years is a long enough test to see whether or not a man will make a good official. I do not believe that the four year amendment will be adopted by the people.

WELDON.

## MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 115, A bill to be entitled "An Act to amend Article 1442, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of sheep or goat from four years to ten years, and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act to amend Article 1441, Chapter 10, Title 17 of the Penal Code of the State of Texas, 1925, by increasing the maximum penalty for the theft of cattle or hog from four years to ten years, and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and

referred to the appropriate committee, as follows:

Senate Bill No. 482, to the Committee on Appropriations.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 98, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 566.

H. C. R. No. 99, Instructing the Enrolling Clerk of the House to make certain corrections to House Bill No. 661.

H. C. R. No. 100, Instructing the State Highway Department to lend certain equipment to the City of Navasota.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### BILL ORDERED NOT PRINTED

On motion of Mr. Graves, House Bill No. 1125 was ordered not printed.

#### HOUSE BILL NO. 1125 ON SECOND

Mr. Graves moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1125 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adkins	Cathey
Alexander	Cauthorn
Alsup	Cleveland
Amos	Colquitt
Baker	Davison of Fisher
Bates	Davisson
Beckworth	of Eastland
Bell	Dean
Boethel	Deglandon
Boyer	Derden
Bradbury	Dickson
Bradford	Dollins
Bridgers	Farmer
Brown	Fielden
Burton	Fox
Cagle	Fuchs
Callan	Gibson

Graves	Monkhouse
Hamilton	Morse
Hanna	Newton
Harbin	Nicholson
Hardin	Oliver
Harper	Palmer
Harrell	Patterson of Mills
Harris of Archer	Patterson
Harris of Dallas	of Travis
Harris of Dickens	Powell
Hartzog	Prescott
Heflin	Ragsdale
Herzik	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Riddle
Hyder	Roark
Jackson	Ross
James	Russell
Johnson of Ellis	Rutta
Johnson	Schuenemann
of Tarrant	Settle
Jones of Angelina	Sewell
Jones of Falls	Sharpe
Jones of Wise	Shell
Keefe	Simpson
Keith	Skaggs
Kelt	Smith of Hopkins
King	Smith
Langdon	of Matagorda
Lankford	Stevenson
Lanning	Stinson
Leath	Stocks
Leonard	Talbert
Leyendecker	Tarwater
Little	Tennant
London	Tennyson
Mann	Thornberry
Mauritz	Thornton
McConnell	Vale
McDonald	Waggoner
Metcalf	Westbrook
Moffett	Winfree

Nays—4

Carssow	Kern
Kenyon	Quinn

Absent

Blankenship	McCracken
Bond	McFarland
Broadfoot	McKee
Celaya	McKinney
Davis of Haskell	Morris
Davis of Jasper	Petsch
England	Smith of Tarrant
Hankamer	Walker
Hull	Weldon
Jones of Atascosa	Wood
Knetsch	Worley
Mays	

## Absent—Excused

Felty Lucas  
Loggins Pope

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1125, A bill to be entitled "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 1125 ON THIRD READING

The Chair then laid House Bill No. 1125 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—120

Adkins	Fielden
Alexander	Fox
Alsup	Fuchs
Amos	Gibson
Baker	Graves
Bates	Hamilton
Beckworth	Hanna
Bell	Harbin
Boethel	Hardin
Boyer	Harper
Bradbury	Harrell
Bradford	Harris of Archer
Bridgers	Harris of Dallas
Broadfoot	Harris of Dickens
Brown	Hartzog
Burton	Heflin
Cagle	Herzik
Cathey	Holland
Cauthorn	Hoskins
Cleveland	Howard
Colquitt	Huddleston
Davis of Haskell	Hyder
Davison of Fisher	Jackson
Davison	Johnson
of Eastland	of Tarrant
Dean	Jones of Angelina
Deglandon	Jones of Atascosa
Derden	Jones of Falls
Dickison	Jones of Wise
Dollins	Keefe
Farmer	Keith

Kelt	Reed of Dallas
Kern	Rhodes
King	Riddle
Knetsch	Roark
Langdon	Russell
Lankford	Rutta
Lanning	Schuenemann
Leath	Settle
Leyendecker	Sewell
Little	Sharpe
London	Shell
Mauritz	Simpson
McConnell	Skaggs
McDonald	Smith of Hopkins
Metcalfe	Smith
Moffett	of Matagorda
Monkhouse	Smith of Tarrant
Morris	Stinson
Morse	Stocks
Newton	Talbert
Nicholson	Tarwater
Oliver	Tennant
Palmer	Tennyson
Patterson of Mills	Thornberry
Patterson	Thornton
of Travis	Vale
Powell	Waggoner
Prescott	Weldon
Ragsdale	Westbrook
Reader	Winfree
Reed of Bowie	Wood

## Nays—7

Callan	Kenyon
Carssow	Mann
James	Quinn
Johnson of Ellis	

## Absent

Blankenship	McCracken
Bond	McFarland
Celaya	McKee
Davis of Jasper	McKinney
England	Petsch
Hankamer	Ross
Hull	Stevenson
Leonard	Walker
Mays	Worley

## Absent—Excused

Felty	Lucas
Loggins	Pope

## HOUSE JOINT RESOLUTION NO. 26 ON SECOND READING

The Chair laid before the House, on its second reading,

H. J. R. No. 26, Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide:

that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to the blind and for aid to dependent children and for the payment of same not to exceed Fifteen Dollars per month each to actual bona fide citizens of Texas and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirements as may be found expedient in cases of aid to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the blind and aid to dependent children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The resolution was read second time.

Mr. Alsup offered the following amendment to the resolution:

Amend House Joint Resolution No. 26, by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding thereto a section to be known as Section 51c which shall read as follows:

"Section 51-c. The Legislature shall have the power by general laws to provide, under such limitations and regulations and restrictions as may by the Legislature be deemed expedient for assistance to the needy blind and for aid to dependent children and for the payment of same not to exceed Fifteen Dollars per month each in case of needy blind, and not to exceed Twelve Dollars per month each for dependent children, or if there is more than one dependent child in the same home, not to exceed Twelve Dollars per month for one such dependent child and Eight Dollars per month for each of the other dependent children; such assistance or aid to be granted only to actual bona fide citi-

zens of Texas; provided that no habitual criminal and no habitual drunkard and no inmate of any State supported institution, while such inmate, shall be eligible for such assistance to the needy blind or aid to dependent children; provided, further, that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for assistance to the needy blind and continuously for one year immediately preceding such application; provided further that the Legislature may impose residential restrictions as they may deem expedient for aid to dependent children.

The Legislature shall have the authority to accept from the Government of the United States such financial aid for assistance to the needy blind and aid to dependent children as that Government may offer not inconsistent with the restrictions herein above provided."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas on the fourth Monday of August, 1937, at which election all voters favoring the proposed Amendment shall write or have printed on their ballots the following words:

"For the Amendment to the State Constitution providing for aid to dependent children and assistance to the needy blind not to exceed Fifteen Dollars per month per person in case of needy blind, and not to exceed Twelve Dollars per month per person in case of dependent children, or if there is more than one dependent child in the same home, not to exceed Twelve Dollars per month for one such dependent child and Eight Dollars per month for each of the other dependent children, and providing for acceptance from the Government of the United States of America financial aid for such payment."

Those voters opposing said proposed amendment shall write or have printed on their ballots the words:

"Against the Amendment to the State Constitution providing for aid to dependent children, and assistance to the needy blind not to exceed Fifteen Dollars per month per person in case of needy blind and not to exceed Twelve Dollars per month per person

in case of dependent children, or if there is more than one dependent child in the same home, not to exceed Twelve Dollars per month for one such dependent child and Eight Dollars per month for each of the other dependent children, and providing for acceptance from the Government of the United States of America financial aid for such payment."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Section 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution for Amendments thereto.

Section 4. The sum of Five Thousand (\$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State, not otherwise appropriated, to pay the expenses of such publication and election.

The amendment was adopted.

Mr. Alsop offered the following amendment to the resolution:

Amend House Joint Resolution No. 26, by changing the resolution to provide that the election shall be held on the fourth Saturday in August.

The amendment was adopted.

Mr. Alsop offered the following amendment to the resolution:

Amend House Joint Resolution No. 26, by striking out all above the resolving clause and inserting in lieu thereof the following:

#### House Joint Resolution

Proposing an amendment to Article III of the Constitution of the State of Texas by adopting a new section to be known as Section 51-c which shall provide that the Legislature shall have the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient for assistance to the needy blind and for aid to dependent children and for the payment of same not to exceed Fifteen Dollars per month each in case of needy blind and not to exceed Twelve Dollars per month each for dependent children, or if there is more than one dependent child in the same home not to exceed Twelve Dollars per month for one such dependent child and Eight Dollars for each of

the other dependent children and providing for payment of such assistance or aid only to actual bona fide citizens of Texas and providing that the requirements for the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for such assistance to the needy blind and continuously for one year immediately preceding such application and providing that the Legislature may impose such requirements as may be found expedient in cases of assistance to dependent children; and providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for assistance to the needy blind and aid to dependent children; providing for an election on the question of adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof and prescribing the form of ballot.

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes and with the body of the resolution.

House Joint Resolution No. 26 was then passed by the following vote:

#### Yeas—126

Adkins	Deglandon
Alexander	Derden
Alsop	Dickison
Amos	Dollins
Baker	England
Bates	Farmer
Beckworth	Fielden
Bell	Fox
Blankenship	Gibson
Boethel	Graves
Bond	Hamilton
Boyer	Hankamer
Bradbury	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harrell
Callan	Harris of Archer
Carssow	Harris of Dallas
Cathey	Harris of Dickens
Cauthorn	Hartzog
Cleveland	Heflin
Colquitt	Herzik
Davis of Jasper	Holland
Davison of Fisher	Hoskins
Davisson	Howard
of Eastland	Huddleston



Hyder	Oliver
Jackson	Patterson of Mills
James	Patterson
Johnson of Ellis	of Travis
Johnson	Powell
of Tarrant	Quinn
Jones of Angelina	Ragsdale
Jones of Atascosa	Reader
Jones of Falls	Reed of Bowie
Jones of Wise	Reed of Dallas
Keefe	Rhodes
Keith	Riddle
Kelt	Roark
Kern	Ross
King	Russell
Knetsch	Rutta
Langdon	Schuenemann
Lankford	Settle
Lanning	Sewell
Leath	Shell
Leonard	Simpson
Leyendecker	Skaggs
Little	Smith of Hopkins
London	Smith
Mann	of Matagorda
Mays	Stevenson
McConnell	Stinson
McCracken	Stocks
McDonald	Talbert
McFarland	Tennant
McKinney	Tennyson
Metcalfe	Thornberry
Moffett	Thornton
Monkhouse	Waggoner
Morris	Weldon
Morse	Westbrook
Newton	Winfree
Nicholson	Wood

## Absent

Bradford	McKee
Cagle	Palmer
Celaya	Petsch
Davis of Haskell	Prescott
Dean	Sharpe
Felty	Smith of Tarrant
Fuchs	Tarwater
Hull	Vale
Kenyon	Walker
Loggins	Worley
Mauritz	

## Absent—Excused

Lucas	Pope
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HOUSE JOINT RESOLUTION NO.  
8 ON THIRD READING

The Chair laid before the House,  
on its third reading,

H. J. R. No. 8, Proposing amend-  
ment to Section 1 of Article VIII of  
the Constitution of the State of Texas  
providing that taxation of real prop-  
erty shall be equal and uniform; and

all property, whether owned by  
natural persons or corporations, other  
than municipal, shall be taxed in pro-  
portion to its value as may be as-  
certained as provided by law; that the  
Legislature may make reasonable  
classification of all property other  
than real property for the purpose of  
taxation, and may impose different  
rates thereon; providing that the  
taxation of property in any class shall  
be equal and uniform; and providing  
that the Legislature may impose a  
poll tax and may impose an occupa-  
tion tax on natural persons or cor-  
porations, other than municipal, do-  
ing business in this State; that it  
may tax income of both natural per-  
sons and corporations, other than  
municipal, except that persons en-  
gaged in mechanical and agricultural  
pursuits shall never be required to  
pay an occupation tax; exempting  
Two Hundred and Fifty (\$250.00)  
Dollars worth of household and kit-  
chen furniture belonging to each  
family in this State; and providing  
further that the occupation tax levied  
by any county, city or town for any  
year on persons or corporations pur-  
suing any profession or business shall  
not exceed one-half of the tax levied  
by the State for the same period.

The resolution was read third time,  
and failed to pass by the following  
vote (not receiving the necessary  
100 votes):

Yeas—74

Alexander	Herzik
Ainos	Holland
Baker	Huddleston
Bates	James
Beckworth	Johnson of Ellis
Bell	Jones of Angelina
Boethel	Jones of Falls
Bradbury	Jones of Wise
Brown	Keefe
Burton	Keith
Cauthorn	Kelt
Cleveland	Kern
Davis of Haskell	Langdon
Davis of Jasper	Lankford
Davison of Fisher	Lanning
Davison	London
of Eastland	Lucas
Deglandon	McConnell
Fielden	McDonald
Fox	McKee
Gibson	Metcalfe
Hamilton	Moffett
Hardin	Morris
Harper	Newton
Harris of Archer	Oliver
Harris of Dickens	Patterson of Mills

Patterson	Skaggs
of Travis	Smith of Hopkins
Powell	Smith of Tarrant
Prescott	Stocks
Quinn	Talbert
Ragsdale	Tarwater
Rhodes	Tennant
Roark	Tennyson
Ross	Thornberry
Russell	Weldon
Rutta	Westbrook
Simpson	Worley

## Nays—49

Adkins	Kenyon
Blankenship	Knetsch
Bond	Leath
Boyer	Leonard
Bradford	Leyendecker
Broadfoot	Little
Callan	McCracken
Carssow	McFarland
Cathey	McKinney
Celaya	Morse
Colquitt	Nicholson
England	Reed of Bowie
Farmer	Reed of Dallas
Hankamer	Riddle
Harrell	Schuenemann
Harris of Dallas	Settle
Hartzog	Sewell
Heflin	Sharpe
Hoskins	Shell
Howard	Smith
Hull	of Matagorda
Hyder	Stevenson
Jackson	Thornton
Johnson	Vale
of Tarrant	Wood
Jones of Atascosa	

## Present—Not Voting

Derden	King
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## Absent

Alsup	Mays
Bridgers	Monkhouse
Cagle	Palmer
Dean	Petsch
Dickison	Reader
Dollins	Stinson
Fuchs	Waggoner
Graves	Walker
Mann	Winfree
Mauritz	

## Absent—Excused

Felty	Loggins
Hanna	Pope
Harbin	

## PAIRED

Mr. King (present), who would vote "yea", with Mr. Dean (absent), who would vote "nay".

Mr. Derden (present), who would vote "yea", with Mr. Hanna (absent), who would vote "nay".

Mr. Farmer moved to reconsider the vote by which House Joint Resolution No. 8 failed to pass, and asked to have the motion to reconsider spread on the Journal.

## HOUSE JOINT RESOLUTION NO. 15 ON SECOND READING

The Chair laid before the House, on its second reading,

H. J. R. No. 15, Proposing to repeal Article III of the Constitution of the State of Texas, the same being the Article creating the Legislative Department of the State and to adopt and enact a new Article III in lieu thereof; reorganizing the Legislative Department of the State of Texas.

The resolution was read second time.

(Speaker in the Chair.)

Question—Shall House Joint Resolution No. 15 be passed?

## GRANTING EMPLOYEES OF THE HOUSE A HOLIDAY

Mr. Newton offered the following resolution:

Whereas, Tomorrow, April 21, 1937, is a State Holiday in commemoration of the Battle of San Jacinto; and

Whereas, The Members of the House of Representatives have been invited to be the guests of the Houston Delegation at Houston, Texas, or of the ceremonies of the State Teachers' Colleges at San Marcos and Huntsville; and

Whereas, There will be few, if any, Members not attending some of these ceremonies; therefore, be it

Resolved, That the employees of the House of Representatives be granted a holiday on this particular day.

NEWTON,  
BLANKENSHIP.

The resolution was read second time, and was adopted.

## GRANTING PERMISSION TO SUE THE STATE

Mr. Stevenson offered the following resolution:

H. C. R. No. 101, Granting the heirs of William F. Bickenbach permission to sue the State.

A resolution granting permission to the heirs and legal representatives of

William F. Bickenbach, deceased, to bring suit against the State and the State Highway Commission for damages resulting from the death of said William F. Bickenbach.

Whereas, On the 16th day of December, 1936, Mr. William F. Bickenbach of Mason County, Texas, was seriously and fatally injured and his body mutilated and dismembered when struck and crushed by a truck while working for the State Highway Department in due course of his employment on State Highway No. 9, in Mason County, Texas, at a point upon said Highway between the town of Mason, Texas, and where said Highway crosses the Llano River; and

Whereas, Said injuries then received by the said William F. Bickenbach and his simultaneous death as a result of said injuries was caused by the negligence of employees of the State Highway Department and among other things in having a State Highway Department truck, with which and by which the said William F. Bickenbach was working and standing, parked on the left hand side of said Highway No. 9 with a large roller attached to the rear of said State Highway Department truck, at the time said other truck was approaching which struck and killed the said William F. Bickenbach as aforesaid; and

Whereas, The said William F. Bickenbach, died because of said injuries then received, leaving surviving him a number of heirs and dependents in his family, as well as bills for medical services rendered to him, and as well as funeral bills, all as charges against his estate; and

Whereas, The dependents in law, the heirs, and legal representatives of William F. Bickenbach, deceased, desire to bring suit against the State of Texas and the State Highway Department of Texas, jointly, to establish and recover damages resulting to them by virtue of the said death of William F. Bickenbach, deceased, and said expenses and to litigate said suit to a final conclusion by reason of said damages; and

Whereas, The said State of Texas and said State Highway Department, as aforesaid, are prohibited, under the laws of this State, from paying said dependents in law, the heirs, and legal representatives of said William F. Bickenbach, deceased, their alleged damages; and

Whereas, It is the desire of the Leg-

islature of the State of Texas to here give the consent of the State of Texas to such suit, recognize the liability of the State of Texas for such damages, if, as, and when finally ascertained, as well as to provide for the payment of the same, if, as, and when finally ascertained; therefore

Be It Resolved by the House of Representatives, the Senate concurring:

Section 1. The State of Texas hereby consents to the filing and prosecution of a suit by the dependents at law, the heirs, and legal representatives of the estate of William F. Bickenbach, deceased, and that the dependents at law, the heirs, and legal representatives of the estate of William F. Bickenbach, deceased, are hereby granted permission to bring suit against the State of Texas, and/or the State Highway Department, on account of the death, medical expenses, and funeral expenses incurred, all arising out of the death of William F. Bickenbach, deceased, and to establish and to enforce such claim, and to secure compensation and damages, both, for said death, said medical expenses, and said funeral expenses, on account of the negligence of the employees of the State Highway Department, as aforesaid, and in the manner alleged, and for any and all damages, both, for said death, medical expenses and funeral expenses, accruing to said dependents at law, heirs, and legal representatives of the estate of William F. Bickenbach, deceased, by reason of the said negligence, or in any manner caused by the acts, or the failure to act, of said employees of the State Highway Department, if any.

Section 2. That such suit may be filed in the District Court of Mason County, Texas, at any time within the next two (2) years from the date this Act takes effect, and such suit shall be tried and determined in the trial and appellate courts, according to the same rule of law and procedure as to liability and defense that would be applicable if such suit were brought against an ordinary person or corporation.

Section 3. That process in such suit may be served upon any member of the State Highway Commission and the Attorney General of said State with the same force and effect as in any other civil case.

Section 4. That a certified copy of this resolution, when presented to the

District Court in which a suit is filed by the above named parties shall be conclusive evidence that the Legislature has consented to such suit being filed, as hereinabove provided, and that permission has been granted to the above named parties to bring suit against the State of Texas and the State Highway Commission.

Section 5. That any judgment finally obtained by, and it is hereby recognized as a valid, subsisting, and existing debt and obligation of the State of Texas and the State Highway Department, and as such to be owing to said dependents at law, the heirs, and legal representatives of the estate of William F. Bickenbach, deceased, and shall be paid out of State Highway funds.

Section 6. That the Attorney General and the State Highway Commission, either or both, be and they are hereby authorized to compromise or otherwise settle any such suit or claims, if, in the opinion of either the Attorney General or the State Highway Commission, the said party or parties are entitled to compensation and/or damages, and the Comptroller be, and is hereby authorized and instructed to settle same in compliance therewith, and charge the same against the State Highway fund.

Section 7. The fact that there is no law now permitting the said dependents at law, the heirs, and legal representatives of estate of William F. Bickenbach, deceased, to sue the State of Texas, and/or the State Highway Department, on account of such damages accruing by virtue of such death, medical expenses, and funeral expenses, and because of the further fact that there is no law recognizing the liability of the State of Texas for such damages and such judgment, if, as, and when finally obtained, and because of the further fact that there is no law providing for the payment of such judgment, if, as, and when finally obtained, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force and effect from and after its passage, and it is so enacted.

The resolution was read second time, and was referred, by the

Speaker, to the Committee on State Affairs.

#### EXTENDING CONGRATULATIONS TO HONORABLE PAUL C. BOETHEL

Mr. London offered the following resolution:

Whereas, The Honorable Paul C. Boethel, our fellow Member and distinguished statesman and gentleman from Lavaca County has at last gained the Portals of success; and

Whereas, This success has been occasioned by his having been admitted into the most honorable and distinguished profession, the practice of law; and

Whereas, Our hearts are filled with pride and our thoughts are ever boastful, for we knew him when; now, therefore be it

Resolved by the House of Representatives, That we hereby congratulate him and wish for him much success.

The resolution was read second time, and was adopted.

#### ADJOURNMENT

Mr. Keith moved that the House adjourn until 10:00 o'clock a. m., Thursday, April 22.

The motion prevailed, and the House, accordingly, at 4:45 o'clock p. m., adjourned until 10:00 o'clock a. m., Thursday, April 22.

#### APPENDIX

##### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Bill No. 1125; Senate Bill No. 435.

Education: House Bills Nos. 1115 and 1118.

Game and Fisheries: House Bills Nos. 1105, 1112, 1114, 1116 and 1117.

Highways and Motor Traffic: House Bill No. 1093.

Judiciary: House Bills Nos. 617, 618, 619, 621 and 1016.

Labor: Senate Bill No. 164.

Public Health: Senate Bills Nos. 229 and 230.

Revenue and Taxation: House Bills Nos. 639 and 1085.

State Affairs: House Bills Nos. 435, 651 and 908; Senate Bill No. 473; Senate Concurrent Resolution No. 53.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 98, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 566.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 99, Instructing the Enrolling Clerk to make certain corrections in House Bill No. 661.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 100, Instructing the State Highway Department to lend equipment to the city of Navasota and Grimes County, Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 95, "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the Statutes of this State to operate street and interurban railways

with power to distribute and sell gas and/or electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor busses substituted therefor are hereby authorized to continue to distribute and sell electricity and/or gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor busses, or both, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 125, "An Act amending Article 5285, Revised Civil Statutes of Texas, of 1925, so as to provide that the Deputy County Surveyor shall not be required to give a larger bond than the County Surveyor, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 369, "An Act amending Article 2942, Revised Civil Statutes of Texas, 1925, by adding thereto a section to be known as Section 2942a by providing that upon petition of forty (40) of the qualified voters but not to exceed five (5) per cent in any voting precinct or ward, the Chairman of the County Executive Committee or any three (3) members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 395, "An Act amending Article 6964, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 46 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Irion, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 477, "An Act to make it unlawful to hunt, shoot, or kill any deer for a period of three (3) years in Coryell, Madison, Leon, Grimes, Robertson, Brazos, Polk, Burleson, Lee, and Bastrop Counties, Texas; fixing penalty; repealing all laws and parts of laws in conflict herewith in so far as they apply to said Counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 493, "An Act to amend Article 416, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 539, "An Act to amend Articles 1063, 1064, and 1065 of the Penal Code of the State of Texas of 1925, so as to include bottle cases; providing a Constitutional savings clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 20, 1937.  
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 653, "An Act making it the duty of the Commissioner of Agriculture of the State of Texas to control and/or eradicate the Mexican fruit fly in the State of Texas; providing a title for said Act; defining certain terms as used herein; providing a host-free period, and authorizing the Commissioner of Agriculture of the State of Texas to adopt the host-free period promulgated by the United States Department of Agriculture; defining host fruits and making certain exceptions; defining infested premises, as the term is used herein; designating a quarantine area; providing for the extension of the quarantined area by proclamation of the Governor of Texas; authorizing the Commissioner of Agriculture of the State of Texas to designate a modified quarantined area, and to provide rules and regulations appertaining thereto; defining the 'free' area; authorizing the Commissioner of Agriculture of the State of Texas to adopt rules and regulations for carry-

ing out the provisions of this Act; providing for a citrus quarantine advisory committee and designating procedure for appointment of such committee; providing procedure for dealing with infested premises; providing for the issuance of mandatory sanitation orders by the Commissioner, making the maintenance of premises in an unhusbandlike and unsanitary condition illegal, and providing a penalty; making the maintaining of premises with host fruit thereon during the host-free period illegal and providing a penalty; declaring maintenance of premises under certain conditions a public nuisance and providing a penalty; providing that failure to obey any order of the Commissioner is a violation of this Act and providing a penalty; enumerating persons to whom the terms of this Act shall apply; providing for periodical cleaning of premises; providing for notice by the Commissioner to parties subject to sanitation orders; providing for an appeal by parties aggrieved; providing that ownership of premises shall be presumed under certain circumstances; providing for Court procedure by Commissioner to have premises declared a public nuisance; providing for full determination of nuisance question by Courts in vacation as well as term-time; providing for entrance upon premises by Commissioner and the placing of same in compliance with Commissioner's orders; providing that no cost bond shall be furnished by the Commissioner; providing for fees for Commissioner and his employees for execution of compliance orders; providing for an orchard sanitation fund and the expenditure thereof; providing for discretionary receiverships by Courts; providing for sale of fruit by Commissioner or receiver, and for the application of proceeds of such sales; providing for a lien, or liens, in favor of the Commissioner, and that same may be cumulative, and for the registration thereof; providing suit to enforce such liens and that no bond be required of officer or assignee in the filing of same; providing that duties imposed on the Commissioner may be executed by his agents and/or inspectors; providing that parties damaged by noncompliance with terms of this Act may have injunctive remedy; providing for full determination as to injunctive relief in vacation as well as in termtime; providing procedure for dealing with

premises whose owners are missing and/or unknown; providing for certification and regulation of citrus shipments intrastate and interstate, and within and without the quarantined area; making this Act cumulative; providing a saving clause; providing penalties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 666, "An Act amending Article 3410 of the Revised Civil Statutes of the State of Texas of 1925, providing in addition to the requirements of Article 3410, for the filing by the administrator or executor of an estate a list of claims owing by the estate, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 848, "An Act authorizing the Commissioners Court in any county having a population of not less than seventeen thousand, six hundred (17,600) and not more than seventeen thousand, seven hundred (17,700) and in any county in this State having a population of not less than seventy-seven thousand (77,000) and not more than seventy-seven thousand, one hundred (77,100) and in any county in this State having a population of not less than seventy-seven thousand, five hundred (77,500) and not more than seventy-seven thousand, six hundred (77,600), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such Commissioner to pay the expense of operation and repair of such automobile so used by

him without further expense to the county, and declaring an emergency." Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 876, "An Act amending Section 4 of House Bill 408 of the Regular Session of the Forty-fourth Legislature fixing the compensation of County Commissioners in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 889, "An Act repealing Chapter 101 of the Special Laws of the Regular Session of the Forty-third Legislature, as amended by Chapter 54, Acts, First Called Session of the Forty-fourth Legislature; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 20, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 930, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 990, "An Act to create a more efficient Road Law for Burnet County, providing the payment of a tax of Three (\$3.00) Dollars by all persons in said County subject to road duty under the General Laws, or the performance of certain manual labor on the road, in the discharge of said road duty; providing the manner of assessing and collecting said road tax, and providing a penalty for failure or refusal to perform said road duty; providing for the accounting of said funds; making the Act cumulative of General Laws; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 998, "An Act fixing the salaries of certain county officials in certain counties with a population of not less than twelve thousand, two hundred and twenty-seven (12,227) and not more than twelve thousand, two hundred and thirty (12,230) according to the last preceding Federal Census of 1930, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 19, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1006, "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, by amending Section 12 thereof so as to provide for the funding of scrip and warrant indebtedness of the Road and Bridge Fund of Montgomery County, Texas, legally incurred prior to January 1, 1937; and by adding to said Act Section 13b, validating, ratifying, legalizing, and confirming an issue of



Sixty-five Thousand, Three Hundred and Ninety-one Dollars and Seventy-seven Cents (\$65,391.77) of road and bridge funding warrants of said County, dated November 1, 1936, and authorizing the funding thereof into coupon bonds of said County, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

#### FIFTY-SIXTH DAY

(Thursday, April 22, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Felty
Alexander	Fielden
Alsup	Fox
Amos	Fuchs
Baker	Gibson
Bates	Graves
Beckworth	Hamilton
Bell	Hankamer
Blankenship	Hanna
Boethel	Harbin
Bond	Hardin
Boyer	Harper
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Heflin
Brown	Herzik
Burton	Holland
Cagle	Hoskins
Callan	Howard
Carssow	Huddleston
Cathey	Hull
Cauthorn	Hyder
Celaya	Jackson
Cleveland	James
Colquitt	Johnson of Ellis
Davis of Haskell	Johnson
Davis of Jasper	of Tarrant
Davison of Fisher	Jones of Angelina
Davison	Jones of Atascosa
of Eastland	Jones of Falls
Dean	Jones of Wise
Deglandon	Keefe
Dickison	Keith
Dollins	Kelt
England	Kenyon
Farmer	Kern

King	Reed of Bowie
Knetsch	Reed of Dallas
Langdon	Rhodes
Lankford	Riddle
Lanning	Roark
Leath	Ross
Leonard	Russell
Leyendecker	Rutta
Little	Schuenemann
Loggins	Settle
London	Sewell
Lucas	Sharpe
Mays	Shell
Mauritz	Simpson
Mann	Skaggs
McConnell	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McKee	Smith of Tarrant
McKinney	Stevenson
Metcalfe	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Tennyson
Nicholson	Thornberry
Oliver	Thornton
Palmer	Vale
Patterson of Mills	Waggoner
Patterson	Walker
of Travis	Weldon
Petsch	Westbrook
Powell	Winfree
Prescott	Wood
Quinn	Worley

Absent

Hartzog

Absent—Excused

Adkins	Pope
Derden	Ragsdale
Harrell	Reader
McCracken	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

#### LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Reader for this morning, on motion of Mr. Davis of Haskell.

Mr. McCracken for today, on motion of Mr. Boyer.

Mr. Derden for today, on account of important State business, on motion of Mr. Bradford.